

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x-----x
GILEAD SCIENCES, INC.,

Plaintiff,

Case No. 08-CV-0566(DLC)(GWG)

-against-

ABRAHAM T. MORRISON,

Defendant.

x-----x
**DEFENDANT'S REQUEST
FOR MEDICAL RECORDS**

PLEASE TAKE NOTICE, that defendant, Abraham T. Morrison, hereby requests that plaintiff, Gilead Sciences, Inc., provide the following at the offices of Leavitt, Kerson & Duane, 118-35 Queens Blvd., Suite 1205, Forest Hills, NY 11375, within 20 days of receipt hereof:

1. Copies of all medical reports, including all tests performed and test results, and/or office records of all physicians or other health care providers or personnel who treated, examined, or saw the defendant in the course of his participation in the clinical trial entitled "Study GS-93-301, A Phase I/II Study of the Safety and Efficacy of Topical Cidofovir (HPMPC) in the Treatment of Refractory Mucocutaneous Herpes Simplex Disease in Patients with AIDS."

You are also requested to identify those x-rays and technicians reports which will be offered at trial.

Defendant reserves the right to amend said Request for Medical Records at a later time.

Dated: August 22, 2008
Forest Hills, NY

PAUL E. KERSON
Leavitt, Kerson & Duane
Attorneys for Defendant
118-35 Queens Blvd., Suite 1205
Forest Hills, NY 11375
(718) 793-8822

To: Carmine J. Castellano, Esq.
Bainton McCarthy LLC
Attorneys for Plaintiff
26 Broadway, Suite 2400
New York, NY 10004-1840
(212) 480-3500

STATE OF NEW YORK, COUNTY OF QUEENS

ss.:

STACEY SHOWALTER, being duly sworn says: I am not a party to the action, am over 18 years of age and reside at Queens County.

On August 22, 2008, I served a true copy of the annexed DEFENDANT'S REQUEST FOR MEDICAL RECORDS in the following manner:

- Service By Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- Personal Service on Individual** By delivering the same personally to the persons and at the addresses indicated below:
- Service by Electronic Means** By transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- Overnight Delivery Service** By depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Carmine J. Castellano, Esq.
 Bainton McCarthy LLC
 Attorneys for Plaintiff
 26 Broadway, Suite 2400
 New York, NY 10004-1840

Sworn to before me on August 22, 2008

s/Paul E. Kerson
 Notary Public

s/Stacey Showalter
 STACEY SHOWALTER

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LEAVITT, KERSON & DUANE

Attorneys for Defendant
118-35 Queens Boulevard
Suite 1205
Forest Hills, New York 11375
(718) 793-8822
Fax (718) 261-5013

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: Signature:.....

Print Signer's Name

Service of a copy of the within is hereby admitted.

Dated:
Attorney(s) for

Dated:

LEAVITT, KERSON & DUANE
Attorneys for Defendant
118-35 Queens Blvd., #1205
Forest Hills, NY 11375
(718) 793-8822

